

**REMARKS**

Claims 1, 3 9 and 10 have been amended. Applicants reserve the right to pursue the original claims and other claims in this application and other applications. New claim 14 has been added. Claims 1-3 and 9-14 are pending in this application.

The specification has been amended to include the patent number of the parent application, and update the application data for applications referred to in the specification. No new matter has been added.

The Office Action notes that various trademarks are used in the application. As noted in the MPEP, Section 608.01(v), the use of trademarks is permissible in patent applications, but the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might be adversely affect their validity as trademarks. In the Examiner's Note under form paragraph 6.20 provided in the MPEP, it is noted that for a trademark each letter of the word should be capitalized "or include a proper trademark symbol, such as <sup>TM</sup> or ® following the word." (Emphasis added). Each trademark used in the specification is followed by the proper symbol ® as required. Applicants respectfully submit that the use of trademarks in the specification is in full compliance with the requirements of the MPEP.

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4). Figs. 1, 2 and 4 have been amended to correct the errors noted by the Examiner. A proposed drawing correction and corrected drawings are attached. The Specification has been amended to be consistent with the drawing changes. No new matter has been added.

The embedded hyperlink in paragraph [0008] on pages 3-4 has been deleted as required by the Examiner.

A copy of the specifications mentioned in paragraphs [0005] and [0007] are attached as requested by the Examiner.

### **Amendments To The Drawings**

Attached please find the following:

1. An Annotated Sheet Showing Changes for each of Figs. 1, 2 and 4; and
2. A Replacement Sheet, including the changes illustrated in the Annotated Sheets, to replace the original sheets including Figs. 1, 2 and 4.

The specific changes made are as follows:

In Fig. 1, the reference number "12" has been added.

In Figs. 2 and 4, the reference number "10" has been changed to "12", and element 52 has been deleted.

Claims 1-3 and 9-13 stand rejected under the judicially created doctrine of double patenting over claims 1-5 of U.S. Patent No. 6,619,544. A terminal disclaimer is being filed concurrently herewith.

Claims 1, 2 and 9-12 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shah et al. (U.S. 5,822,738). Claims 1-3 and 9-13 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kara (U.S. 5,822,739). Claims 1-3 and 9-13 stand rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Whitehouse (U.S. 6,005,945). Claims 1, 2 and 9-12 stand rejected under 35 U.S.C. 102(a) as being clearly anticipated by Heiden et al. (U.S. 6,141,654). Claims 1, 2 and 9-12 stand rejected under 35 U.S.C. 102(e) as being clearly anticipated by Shah et al. (U.S. 2003/0078893). Reconsideration is respectfully requested.

A problem with conventional virtual metering is that customers, i.e., mailers, using a virtual postage metering system to evidence postage on mail have to obtain a meter license for a meter account with a dedicated origin zip code. This meant the mailer had to go through a registration process with the United States Post Office (USPS) and wait for approval from the USPS for a meter license before the mailer was allowed to print postage obtained over the Internet. This delay, due to the mailer having to wait for approval for a meter license from the USPS before being able to print postage from a PC, can act as a deterrent to mailers to utilize PC postage. (Specification, paragraphs [0009] and [0023]).

The present invention alleviates the problems of the prior art by providing a system and method that allows instant metering of online postage. In accordance with the present invention, a mailer can print postage on a PC printer without having a meter license or meter account. In one embodiment, a meter account is licensed to a vendor (and not the individual mailer) for dispensing postage to customers from a plurality of origin zip codes. A vendor meter account 50 is located at a remote Data Center 30. The meter account 50, which is assigned to the vendor, dispenses

postage payment evidence to a plurality of customers 25. (Specification, paragraph [0031]).

In view of the above, claim 1 recites a method for a vendor to dispense postage to a customer over a network that comprises “obtaining a meter license from the Post, said meter license being associated with a meter account assigned to the vendor; receiving, via the network, a transaction request for postage from a customer, said transaction request including information from the customer, said information corresponding to the transaction requested and payment method; processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor; effecting payment for the transaction based on the information received from the customer; receiving the evidence of postage payment created by the data center; and sending the evidence of postage payment to the customer.” Thus, a mailer can print postage without having a meter license or meter account assigned to the mailer, but instead utilizes a meter account assigned to the vendor.

Shah et al. (U.S. 5,822,738, hereinafter referred to as “Shah ‘738”) is directed to a modular postage accounting system in which a general purpose computer, a digital printer and a secure metering device (SMD) can be used to print postage. The SMD performs the accounting functions of a postage meter and generates encrypted postage indicia data for transmission by the computer to the digital printer and subsequent printing on a mailpiece. Alternatively, the SMD functions may be embedded within with a computerized meter resetting system (CMRS). Before a user can utilize the device in Shah ‘738, the user must obtain a license from the postal service and have a postal account established for the user by the postal service. As noted in Shah ‘738, “A user who has obtained the required license from the postal service can contact with the meter company to interface the user’s general purpose computer to the CMRS computer via modem and telephone line.” (Col. 2, lines 13-16, emphasis added).

Thus, in Shah '738, the customer must obtain the proper meter license from the post and establish an associated meter account assigned to the customer with the post. This is in direct contrast with the present invention, in which a customer can print postage without having a meter license or meter account assigned to the customer, but instead utilizes a meter account assigned to the vendor. In Shah '738 the accounting performed for any postage generated is done using an account assigned to the user. A multi-site user's individual sites can process mail continuously, with payment to the post office and replenishment of credit handled through central accounting facilities. As long as the user's central accounting facility maintains adequate fund reserves, the individual sites have access to an on-line service which provides postage on an as-needed basis. (Col. 2, lines 55-61). Each user must, therefore, have a meter account with the postal service in order to print postage.

There is no disclosure, teaching or suggestion in Shah '738 of a "meter license being associated with a meter account assigned to the vendor" as is recited in claim 1. Furthermore, there is no disclosure, teaching or suggestion in Shah '738 of dispensing postage in response to a transaction request received by a vendor over a network from a customer that includes "processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor" as is recited in claim 1.

Kara is directed to a postage metering system that allows coupling a plurality of remotely located processor-based systems to a centralized metering device. In Kara, a first PC stores a "Demand" program, accepts information from a user, and the Demand program subsequently makes a demand for postage to a remote postage meter, located at a postage provider's office or other central source. Data included within the demand includes a method of funding the transaction and a serial number contained within the demand program or other unique data. (Col. 10, lines 30-32). The remote postage meter, itself a second processor-based system in the form of a PC, stores a "Meter" program, which verifies postage demands and electronically

transmits the desired postage indicia to the first PC in the form of a data packet. The meter program uses the funding information found within the demand to determine if proper funding is available for the transaction. Funding for the postage demanded may be accomplished in various ways. The user of the on-demand postage system may have a credit or debit account with the postage provider or may utilize point of sale funding methods such as a valid bank card account. Use of credit and debit accounts require the user to supply the postage provider with certain information prior to the postage demand. In the case of a credit account, the user may be periodically billed for postage previously demanded. In the case of a debit account, the user prepays for postage to be demanded in the future. Upon making demands for postage, costs of the transaction are deducted from the user's debit account. In the case of a bank card account being utilized, the provider will demand payment from the bank card company concurrent with the postage demand. In some situations, credit could be maintained at the local site and transmitted with the indicia request. (Col. 13, lines 31-50).

Thus, in Kara, payment for postage is made using a user's credit or debit account. There is no disclosure, teaching or suggestion in Kara of a "meter license being associated with a meter account assigned to the vendor" as is recited in claim 1. Furthermore, there is no disclosure, teaching or suggestion in Kara of dispensing postage in response to a transaction request received by a vendor over a network from a customer that includes "processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor" as is recited in claim 1.

Whitehouse is directed to a system for the electronic distribution of postage wherein all secure processing required for generating postal indicia is performed at secure central computers, not at end user computers, thereby removing the need for specialized secure computational equipment at end user sites. In Whitehouse, a typical secure central computer includes a data processor and a database of information. The data stored by the secure central computer 102 in its customer

database for each meter/user account includes, among other things, a meter/license number, user's name, user's company, register balances, and piece count. (Col. 10, line 45 - Col. 11, lines 25). The user's computer requests a postage indicium from the secure central computer at which it has a postage dispensing account. A request validation procedure authenticates received postage request with respect to the user account information in the database. The meter/account balance is checked to ensure that the meter/account has sufficient funds to pay for the current mail piece. (Col. 13, lines 8-10).

Thus, in Whitehouse, the user (customer) must obtain the proper meter license from the post and establish an associated meter account assigned to the user with the post. This is in direct contrast with the present invention, in which a user (customer) can print postage without having a meter license or meter account assigned to the customer, but instead utilizes a meter account assigned to a vendor.

There is no disclosure, teaching or suggestion in Whitehouse of a "meter license being associated with a meter account assigned to the vendor" as is recited in claim 1. Furthermore, there is no disclosure, teaching or suggestion in Whitehouse of dispensing postage in response to a transaction request received by a vendor over a network from a customer that includes "processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor" as is recited in claim 1.

Heiden et al. is directed to a postage printing system comprising a computer, a data center and a control system. The computer is in operative communication with a printer for printing a postal indicia on an envelope. The data center is in operative communication with the computer which in turn is located remotely from the data center. The data center includes a plurality of user accounts and a plurality of advertiser accounts. The control system establishes a transaction session between a user of the computer corresponding to one of the plurality of user accounts and the data center, obtains recipient address information from the user, and uses the

recipient address information and restriction data from the plurality of advertiser accounts to identify message data available for printing on the envelope in conjunction with the postal indicia. (Col. 3, lines 40-59).

In Heiden, that data center includes a plurality of user accounts and the postage evidencing system 208 includes one or more postage meters or postal security devices (PSD). (Col. 6, lines 9-10). In order to use a postage meter or PSD, however, the user (customer) must obtain the proper meter license from the post and establish an associated meter account assigned to the customer with the post. This is in direct contrast with the present invention, in which a customer can print postage without having a meter license or meter account assigned to the customer, but instead utilizes a meter account assigned to a vendor. In Heiden the accounting performed for any postage generated is done using an account assigned to the user.

There is no disclosure, teaching or suggestion in Heiden of a "meter license being associated with a meter account assigned to the vendor" as is recited in claim 1. Furthermore, there is no disclosure, teaching or suggestion in Heiden of dispensing postage in response to a transaction request received by a vendor over a network from a customer that includes "processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor" as is recited in claim 1.

Shah et al. (U.S. 2003/0078893, hereinafter referred to as "Shah '893") is directed to a postage metering system that includes a number of remote postage printing devices (RPPDs) coupled to a central processing system via a wireless communications link. The central processing system includes a secure metering device (SMD) that stores accounting information and provides secure processing. (Paragraph [0023]). As noted in paragraphs 0047-0048, each SMD module performs the data storage and accounting functions of a conventional postage meter. The SMDs may be organized in various configurations. For example, a particular user may have postage data maintained in a single SMD or multiple SMDs. Further, a



particular SMD may be dedicated to single user or configured to serve a group of users. The size of the group can vary and may include, for example, users from a single department, multiple departments, or an entire company. The users may be widely dispersed geographically. Generally, the SMD contains postage accounting information for the user(s) it serves, and the information can be partitioned into, or represented by, one or more accounts.

Thus, in Shah '893, accounting for all postage for a customer, whether it be an individual or company that has multiple users, is performed using an account established for the customer. To obtain an SMD for use, the customer must obtain the proper meter license from the post and establish an associated meter account assigned to the customer with the post. This is in direct contrast with the present invention, in which a customer can print postage without having a meter license or meter account assigned to the customer, but instead utilizes a meter account assigned to the vendor.

There is no disclosure, teaching or suggestion in Shah '893 of a "meter license being associated with a meter account assigned to the vendor" as is recited in claim 1. Furthermore, there is no disclosure, teaching or suggestion in Shah '893 of dispensing postage in response to a transaction request received by a vendor over a network from a customer that includes "processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor" as is recited in claim 1.

For at least the above reasons, Applicants respectfully submit that claim 1 is allowable over the prior art of record. Claims 2, 3 and 9, dependent upon claim 1, are allowable along with claim 1 and on their own merits.

Claims 10 and 14 include limitations substantially similar to claim 1. For the same reasons given with respect to claim 1 above, Applicants respectfully submit that claims 10 and 14 are allowable over the prior art of record. Claims 11-13, dependent upon claim 10, are allowable along with claim 10 and on their own merits.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims of this case are in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian A. Lemm", is written over a horizontal line.

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Enclosures

ANNOTATED SHEET SHOWING CHANGES





